



Business & Social Science
IJRBS

Research in Business & Social Science

IJRBS VOL 9 NO 3 ISSN: 2147-4478

Available online at www.ssbfn.net
Journal homepage: <https://www.ssbfn.net/ojs/index.php/ijrbs>

The private military and security contractors in armed conflicts under international humanitarian law: Case study of Russian PMSCs

Hani Albasoos^(a), Musallam Al Maashani^(b)

^(a,b)Department of political science, Sultan Qaboos University, Muscat, Oman



ARTICLE INFO

Article history:

Received 25 February 20

Received in revis. form 27 March 20

Accepted 12 April 20

Keywords:

Private Military, Security Contractors,
Armed Conflicts, International
Humanitarian Law, Geneva
Convention, Montreux Document

JEL Classification:

Z18, K33

ABSTRACT

The participation of private and military contractors in armed conflicts is the contemporary phenomenon that concerned policymakers and military strategists, particularly Russian contractors. This phenomenon attracts most politicians to set up initiatives and to draw international guidelines to all concerned parties. The purpose of this research paper is to investigate the condition of Russian private military and security companies (PMSCs) in recent armed conflicts. The research is based on the realism approach, which will help explain Russian state behavior towards PMSCs, while the neoliberalism approach will help to explore this phenomenon from the Russian economic perspective. This research applies inductive, exploratory, and qualitative approaches, which solely based on secondary resources and media contents. The main finding of this research shows that those contractors have obligations under International Humanitarian Law (IHL), but the only limitation is the state's obligation to endorse them. Besides, it seems that an international treaty between countries could be a practical step towards having a useful regulatory framework.

© 2020 by the authors. Licensee SSBFNET, Istanbul, Turkey. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).

Introduction

The usage of private military and security contractors in armed conflicts has attracted international attention in the last decade due to the significant increase in the use of these firms by different states, especially the United States and Russia (Christiansen, 2010). Privatization has led to growing concerns about the accountability and regulation of these contracting companies under international humanitarian law, especially as many contracting companies have expanded their business into conflicts in the battlefields rather than providing support services to government forces. In this regard, states assert that *private military and security companies* (PMSCs) staff are civilian contractors while a minority community deals with PMSCs as groups of criminal mercenaries. Hence, the PMSCs are categorized into three types: (i) military providers where it includes front-line combatants (ii) military consulting firms where advice and training are the main products (iii) military support firms where it provides mainly maintenance, logistics, and intelligence support (Cameron, 2006, p. 576).

After the collapse of the Soviet Union in 1990, many Russian military experts turned to the use of their military expertise in providing consultancy services to contractors and sometimes to be used by the current Russian government. The Russian government has increased its reliance on contracting companies in conflict zones outside its territorial boundaries. In conducting this research, the researcher noticed a scarcity of literature that covers the legislations of Russian usage of PMCS overseas in armed conflicts to serve their national security agenda. The findings of this research will help to explore the legal status of the usage of Russian-linked PMSC in armed conflicts under International Humanitarian Law.

* Corresponding author. ORCID ID: 0000-0002-2873-7325

The main objective of this research is to find out the legal status of the use of PMSCs in armed conflicts in light of international humanitarian law taking the Russian Federation as a case study.

This research paper consists of the following sections: The first is a brief overview of the PMSCs, their strategic importance, and their status under IHL. In the second section, descriptions of the past published literature review in the context of PMSCs, related issues, and other subjects related to the historical records of participating in private contractors in conflicts, especially the Russian PMSCs. The third section describes the research methodology used to conduct this research, where it gives details of the exploratory qualitative method used and sources of data. In the fourth section, the analysis is performed by applying the Realism Theory to explore the Russian government policies towards regulating PMSC and their participation in overseas conflicts while the Neoliberalism theory chosen to analyze the raised phenomenon of Russian PMSCs and the reasons behind its rise in Russia. In this section, the status of PMSC under IHL is analyzed, and the current international initiative is observed and analyzed in addition to some highlights on the Russian military doctrine, which undirected interfering with the subject of Russian government position towards regulating PMSC. Finally, in the fifth section, the researcher concludes with the main findings, contribution, limitation of the research, and further potential work and practical recommendations.

Theoretical background

This research is applying “qualitative exploratory method.” This is based an exploratory qualitative method where the qualitative methods are used to explore the phenomena of Russian PMSC in armed conflicts and their legal status. For more details, the following points highlighted the techniques used in the current research (Creswell, 2014). It also applies “qualitative method techniques. Essentially, the case study technique will be used as the primary method to conduct this research since the site under study “Russian PMSC” need more exploration where each of the following techniques is used for specific purposes. Besides, “literature-based content” since the subject under investigation is still in its infancy stage in which the 1990s and beyond is the first appearance of PMSC from the global context and in Russian context could be attributed to the era post-USSR. Hence, those research’s subjects will be studied and analysed from various source as websites, reports, magazines, and videos to conclude with precise findings.

Many of precedent researches conducted on this topic were fragmented from different points of view. This research intensively depends on analysing literature to directly serve to answer the research questions. It focuses on the literature, which consists of Russia’s PMSC and PMSC from the context of IHL and Russia military doctrine. Due to the broad scope of this study, literature conducted by different researchers will add value to this paper. However, little has been found on published peer-reviewed papers that are focused on the Russian PMSC under IHL. Hence, the research adopted a broader scope to study the legal status of Russian PMSC from the national aspect, IHL, and tied that with their military motivations under the newly published doctrine.

Realism Theory

Realism is a theory to the study and discipline of international politics. It highlights the performance of the state and makes a general assumption that all states are motivated by national interests, or, at best, national interests covered as moral concerns. Hence, the realism approach adopted in this research is to explore the rivalry phenomenon between states and their usage of PMSC to serve their national interest in conflicts.

Neoliberalism Theory (Principal-Agent Theory)

Neoliberalism is an approach used in international relations to describe the role of the nation-state as should be more in governance and regulate rather than interfere in the market by practicing the privatization of selected government services where the goal to maximize the role of the private sector. Among these services are the military & security services in which the relationship between states contracted PMSCs to deliver some tasks that used solely by governmental authorities in the past.

Methodology

This study aims (i) to explore the legal status of Russian PMSCs under local and international legislations to fulfill their national agenda in security and commercial aspects, (ii) to explore the impact of the current gap in the legal aspect to utilize the PMSCs in armed conflicts and the denial of the Russian government's responsibility, and (iii) to explore the relation between Russian military doctrine and the phenomena of Russian PMSCs.

The key objective of this research paper is seeking to identify and evaluate the status of Russian PMSCs and the legal status of these commercial firms under national legislation and IHL in armed conflicts. Thus, the researcher put the main research questions to address the knowledge gap of these issues: (i) what is the legal status of Russian PMSCs in armed conflicts under IHL? (ii) to what extent the legal ambiguity towards PMSCs helped the Russian government to serve its national security agenda?, and (iii) to what extent Russian military doctrine affect the regulation efforts of PMSCs?

Research hypothesis and variables

Directional hypothesis: Russia’s private military and security companies (PMSCs) PMSC’s in their current status helped in serving the state’s national security interest in abroad conflicts due to the ability to deny the state’s responsibility.

Variables Causal Relationship: Hence, it is vital to measure the cause and effect relationship between the mentioned Independent and dependent variables and test the hypothesis under the realism approach by using the Realism Theory.

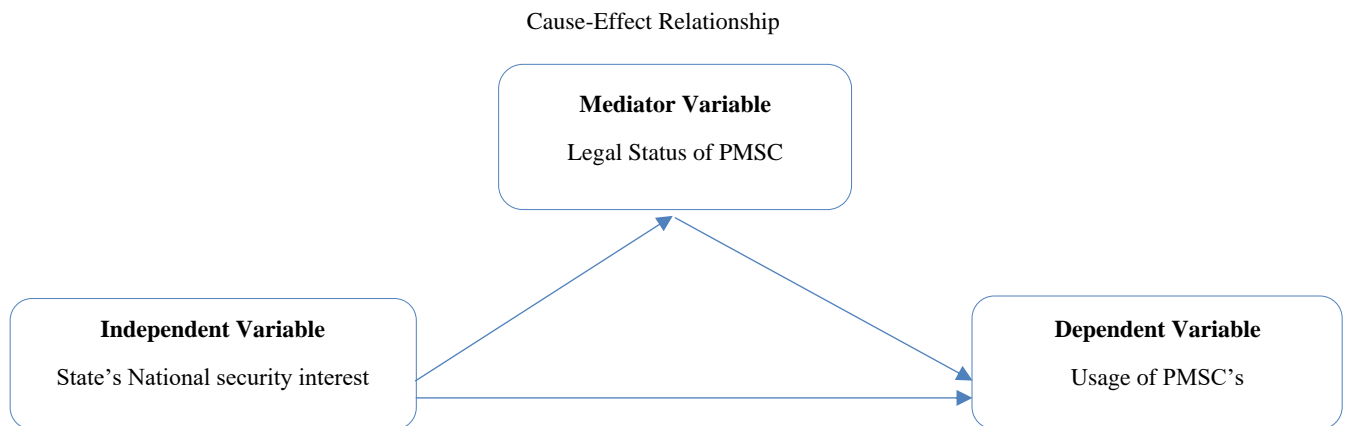


Fig. 1: Cause-effect relation Model

Private military and security companies (PMSCs) Status

In recent years, several studies focused on Russian PMSC from a military perspective as participating in the armed conflict and rarely focused on the legal aspects. Alexander Faite (2019) in a published research paper titled "*Involvement of Private Contractors in Armed Conflict: Implications under International Humanitarian Law.*" He argues that PMSC firms fall under IHL, yet to study their applicability, it is necessary to assess their activities on a case basis. The author concluded that in most countries, there is a legal vacuum in which these PMSC operate. However, this was the most beneficial source even though it only takes a case of Western firms, but it lacks the scope of Russian PMSC. In line with that, Østensen & Bukkvoll (2018) highlighted the nature of Russians contractors by arguing that it is more to provide military services due to the legal vacuum in Russia, and that was intentionally planned to serve the states national interest in the conflicts zones. However, it lacks the legal aspect under international law while focusing more on the issue of domestic legislation.

Cameron (2005) displayed the status of PMSC personnel, and when they can be considered as civilians, mercenaries, combatants based on IHL conventions, and how the definition of mercenaries is ambiguous and debatable and causes more confusion which impacts on the regulation initiatives. Besides, the author proposed the host state to enforce the licensing framework. However, this source only focused on the regulation point of view. It is evident from the reviewed literature that Western scholars are biased in their analyses. Moreover, Kruck (2014) explored the PMSC phenomena from different political, economic, and security perspectives to reach out to the conclusion that outsourcing the military and security operation will be more successful if it derived from a neoliberal perspective. This source did not highlight the Russian PMSC while it explored the other states like the US, UK, and Germany.

Despite the lack of literature reviews that focused on the legal aspect of the participation of Russian's PMSC in international armed conflicts, there is a legal vacuum in which these contractors occupy to conduct their business.

Russia's private military and security companies (PMSC) status under the international humanitarian law (IHL)

The collapse of the USSR caused catastrophic consequences on Russia's military sector, especially after their failed mission during the invasion of Afghanistan (1979-1989), where much military personnel lost their lives in the conflict that is not directly reasoned as defending the state (Østensen & Bukkvoll, 2018). The same source also displayed the contradictions in this regard between Russia's leading agencies: the military intelligence "GRU" and Federal Security Bureau "FSB". That in case of regulating this industry it may have indirect impact on Russia's international image especially in the case of causality in armed conflicts.

The authors also argued that GRU & FSB (currently FSS) have full control over these PMSCs behind the door as long as you follow the instructions and political directions of the state. The uniqueness of the Russian model in involving in armed conflicts is in its usage of PMSCs in direct combats. Meanwhile, the Western-based PMSCs are more in support operations in which these PMSC have been used in different conflict theaters as in recent years in Ukraine & Syria while the government officially denies their

recognition. For instance, a well-known Russian PMSC called Wagner reported on different occasions to be used in the Syrian conflict (Volkenburg, 2018).

Wagner deployed almost 2,500 personnel in Syria, and after the direct clash between the US and Russia, the last announced only 19 deaths, where some reports affirm more casualties. This low number is an indication of not accounting for the causality of any Russian PMSC in the field (Spearin, 2018). Also, another Russian PMSC called Slavonic group was tasked by the Syrian government to free and protect its oil field in which, if succeeded, the contractor will get 25% of oil-field revenues. However, this mission failed In 2013, and Federal Security Services (FSB) conducted the first arrests under Article 359 of the Russian Criminal Code against the group leaders.

The Russian Criminal code endorsed in 1996 by “Boris Yeltsin “the former Russian President consisted 34 chapters and 360 articles to describe all types of criminals towards economy, environment, public security, military services, etc. among of these is Chapter 34 titled Crimes Against the Peace and Security Mankind with following articles (353, 354, 355, 356, 357, 358, 359). However, the last article 359 Mercenaries consisted of the two following quoted sub-articles:

- “*Recruitment, training, financing, or any other material provision of a mercenary, and also the use of him in an armed conflict or hostilities, Shall be punishable by deprivation of liberty for a term of four to eight years with restriction of liberty for a term of up to two years or without such.*”

- “*Participation by a mercenary in an armed conflict or hostilities shall be punishable by deprivation of liberty for a term of three to seven years with restriction of liberty for a term of up to one year or without such.*”

As seen above, any mercenary is prohibited under Russian national laws regardless of these PMSC, which are not considered as official commercial firms but in a grey position. This argument is based on the official position of the Russian government by denying their responsibilities and recognition of these firms who worked overseas in conflict areas. As stated by Spearin (2018), the former Russian general of staff affirms the necessity of using non-state arms to achieve political & strategic goals. Hence in the mentioned above the law, there are no articles that highlight the usage of Russian firms abroad.

Table 1: Russian PMSC in conflict zones

PMSC / Conflict Zone	Est.	Syria	Ukraine	Libya	Sudan	Iraq
Anti-terror	1998					
Wagner	2014	Yes	Yes		Yes	
Moran Security Group	2011					Yes
Slavonic Corpus	2013	Yes				
Patriot	2018	Yes				
Mar	N/M		Yes	Yes		
Enot	N/M			Yes		
Turan	2017	Yes				
RSB-Group	2011		Yes	Yes		

Source: (Østensen & Bukkvoll, 2018)

As seen in Table 1, there is no official number of Russian PMSC. RSB-groups was founded in 2011 by an ex-FSB officer named Oleg Krinichin, who established the firm to provide military services to different clients. In addition to their involvement in the conflicts mentioned in Table 1, they offered vessel protection for clients from Egypt, Sri Lanka, and South Africa (The Opinion, 2018).

The Russian military doctrine & private military and security companies (PMSC)

In 2014, Military Doctrine titled *Military Doctrine of the Russian Federation* was published to set the views of the Russian government concerning armed defense and protection of the state.

Among 58 articles that composed the Russian military doctrine, the only clause that refers to the usage of private & military contractors was in Article 15 clause H & I, which describes the nature of modern warfare conflict as:

"H) Participation in hostilities irregular armed groups and private military companies. I) the use of indirect and asymmetric methods Action."

This is an indirect deniability of Russian PMSC by referring to this type of service as an external threat to the state and not in the official doctrine. This contradicts with massive usage of Russian PMSC in overseas operation for military purposes (hired by other

governments) and for business-driven purposes as in case of protecting business facilities, personnel, or maritime escorting against the threat of piracy.

"The legal basis Military doctrine consists of the Constitution of the Russian Federation, generally recognized principles and international law and international treaties the Russian Federation in the field of defense, control arms and disarmament, the Federal Constitutional laws, federal laws and legal acts President of the Russian Federation and the Government of the Russian Federation." (Military Doctrine, Article 3)

As shown above, in Article 3, the international law was one of the main pillars where this doctrine was obliged to, while in contrast, the Russian government avoids the signage of Montreux Document, the Swiss & ICRC legal initiative to regulate the usage of PMSC in armed conflict.

"The Russian Federation considers it lawful to utilize Armed Forces and other troops and bodies to repel aggression against it and (or) its allies, and maintaining (recovery) the world to address the UN Security Council and other structures collective security, and to ensure the protection of their citizens living outside the Russian Federation, accordance with generally recognized principles and norms international law and international treaties of the Russian Federation." (Russian Military Doctrine, Article 22)

Moreover, In Article 22, the Russian government legalized its military involvements in case of protecting the state and state's allies as being in the same level of importance. This could be taken as a justification of Russian usage of PMSC in overseas armed conflict in the form of private contractors and not as a regular army to preserve its apparent obligatory to the international law by denying the responsibility of involving in such conflicts.

The Russian government debate and national legislations limitations

There is no official recognition of the phenomena of Russian PMSC since the Russian government itself denied their existence as stated by Dmitri Peskov when he was asked about the matter, he replied by saying that "Kremlin has no position in this." Moreover, in the same context, Mikhail Emelianov – deputy head of Subcommittee for state-building and Legislations, believes that PMSC is raising market dominated mainly by Western firms and Russia has huge opportunities in this aspect in which he reflects that in his statement: "Our history is such that we always had to fight wars. Why not exploit this experience for profit?" The government passed drafted legal framework three times to regulate the PMSC in 2014/2016/2018. Some Russian statesmen argued that both the MOD and the FSB are obstacles to the adoption of a law on PMSCs. (Østensen & Bukkvoll, 2018).

In words of Sergey Belokon - General Staff of the Russian Armed Forces - those efforts to legislate Russian PMSCs need more time and more commitment from the international community before Russia obliges itself to such subject and his words as following; "Currently, PMSCs operate in an international law vacuum. The absence of national regulation is, therefore, critical, as certain issues remain unresolved. There is no defined process for setting up PMSCs and no clarity regarding their legal status, social protection for their personnel, or the prosecution of mercenaries. The law on PMSCs is premature, however. We should first participate in developing international legal instruments in this field and then, if necessary, bring Russian legislation into line with that. The current suggestion is to enact legislation that would permit the use of such companies only outside Russia and would ensure that the Russian authorities could exercise effective control over their conduct" (ICRC, 2016).

Therefore, this deniability of Russian PMSC could be understood from two views. First, the Russian tried to earn more time before the legislation of PMSC came to reality by an international treaty, and this could be attributed to the need to fulfil their national security agenda overseas, especially supporting their allies, as in the case of Syrian, Ukraine and Libya. Second, from a military point of view, the Russians military strategists enjoyed the usage of these PMSCs without being attributed to their involvement, especially in peaceful protests (Ukraine) or conflicts (Syria). However, their participation had been criminalized based on the Russian Criminal code Chapter 34, article 359, in which it stated that any participation by mercenaries in armed conflict is illegal.

The Montreux document: Step towards an international treaty

This document was an initiative from the Swiss government in cooperation with the International Committee of the Red Cross (ICRC) dated to 2006 to highlight the need for respecting the international humanitarian law and human rights law in armed conflicts events. In October 2008, the permanent representative of Switzerland to the United Nations during the 63rd general assembly session circulated the Montreux Document that contains rules and good practices related to operations of PMSC in armed conflict zones declaring that 17 states participated in revising the document (UN, 2008). This document recalls the attention to the obligations of states, PMSCs, and their staff to international humanitarian law during the armed conflicts. Hence, it only listed the good practices to assist the stakeholders "States, PMSCs" to comply with their obligations.

"Contracting States retain their obligations under international law, even if they contract PMSCs to perform certain activities. If they are occupying powers, they have an obligation to take all measures in their power to restore, and ensure, as far as possible, public order and safety, i.e., exercise vigilance in preventing violations of international humanitarian law and human rights law" (Montreux Document, Part I, Article 1). As in Montreux Document Part I, contracting states are legally obliged to preserve the legal actions of

their hired contractors despite their originality and their type of service provided security-based or military-based nature. It contains two main parts: (i) The legal obligation of PMSC under International law (ii) Good practices related to PMSC. In regards to good practices, it displayed the practices to be adopted by states in case it went on contract with PMSC table below shows most important clauses for each category under the following criteria: (i) Determination of Services: under this category each state has to assign its own principle to decide with services can be handled by private contractor. (ii) Procedure for the selection and contracting of PMSCs: under this clause, states have to set its own principle regarding PMSC such as historical background, background check of owner and PMSC personnel and also ensure the transparency in contracting PMSC by disclosing the contracting information, any violations or incidents, etc. (iii) Selection Criteria: under this context, the state should set baseline for PMSC against its evaluation as example: financial capacity, level of trained personnel, pre-deployment roles as legally acquiring its arms. (iv) Terms of Contract: the contracting state should ask for at least the following financial status, personnel and property record, official document of legally used weapons, internal audit accountability mechanism, and finally, all terms also applied in case of PMSC contracted another firm. (v) Coordinating with territorial states and home states: This practice is needed in case of investigation regarding the activities of PMSCs (UN, 2008).

Regarding this context, the legal representative of Russian Ministry of Foreign Affairs, Maria Zabolotskaya stated the following comments regarding the Status of PMSC in Russian form the international context, "Referring to his official rank in the military, it could be considered as Russia's view towards endorsing a legal framework in domestic PMSCs. Moreover, in that same event the Under Russian law, it is not possible to set up a PMC or use one abroad. Russia is not taking part in the Montreux process, as we rarely use PMSCs and the process primarily brings together States that do. Confirming that IHL applies to PMSCs is not enough, and the Montreux Document does not solve the problem. This requires proper regulation, preferably in the form of an international treat" (ICRC, 2016). However, Russia has not signed this document with other 54 states, which reflects the government position towards non-international treaties that may threaten their overseas agenda.

States' obligations under IHL

As explained in Montreux document the states and their PMSC contractors have legal obligation under IHL where these obligations are explained in details by categorizing the states into three types as follow: (i) Contracting States: states that hire services from PMSCs, (ii) Territorial States: states where PSMCs operates, (iii) Home States: where PMSC is officially registered if not where the main office of management.

Each of these states still needs to fulfil its commitments towards IHL by classifying the exact role and responsibility of each of them. As mentioned below, the document explained the status of PMSC personnel by the applicability of their state's national law. "PMSCs are obliged to comply with international humanitarian law or human rights law imposed upon them by applicable national law, as well as other applicable national law such as criminal law, tax law, immigration law, labor law, and specific regulations on private military or security services" (Montreux Document, Part I, Article 22). However, challenges are created by PMSC phenomena since most of them do not have official registration records or registered in states with the weak rule of law to bypass their legal obligations. As it is clear, the Montreux Document only re-ensures the applicability of IHL on both states and their contractors. Hence, states cannot abandon their responsibilities regarding the applicability of IHL by contracting commercial firms.

The status of PMSC personnel under IHL

"Private contractors and employees of a party to armed conflict who are civilians are entitled to protection against direct attack unless and for such time as they take a direct part in hostilities. Their activities or location may, however, expose them to an increased risk of incidental death or injury even if they do not take a direct part in hostilities" (Direct Participation in Hostilities under IHL) (ICRC, 2009). As seen above, the status of PMSC personnel in some cases are ambiguous due to the lack of regulations from both contracting state and territorial state. Therefore, if not taking a side in the conflict, these private contractors are still civilians under IHL but delivering some services which more offensive nature, such as guarding the military base, gathering intelligence information which in most cases these activities are not disclosed. However, the geographical proximity of contractor operations and their similarity of the organizational structure had to be put into consideration while assessing their status (ICRC, 2009, p. 37)

Alexandre Faite, Legal Advisor in ICRC, argued that Article 4 of the Third Geneva Convention refers to PMSC personnel. "Persons who accompany the armed forces without being members thereof, such as [...] supply contractors, members of the labor units or of services responsible for the welfare of the armed forces" in which these persons are accompanied by the contractor (Army) (Faite, 2019). In the case under study, Russian PMSCs are different in their nature based on the interview conducted by France 24 channel with RSB-Group CEO. He argued that there are officially registered and operate under the supervision of the Russian government while the last continuously denied any responsibility toward these PMSC. The status of PMSC personnel in conflict zones determined on a case basis under IHL. However, it mostly depends on the nature of their involvement. If PMSC personnel do not directly involve in combat with any parties of the conflict, then they are classified as civilians. Yet, if PMSC engaged directly in the battle by supporting one side such as intelligence gathering, guarding the military bases, they would lose the immunity from being attacked (ICRC, 2013).

The mercenaries status of the Russian PMSC

In general, Russia is a country with military culture, unlike other Western countries where civic culture is overwhelmed. In the past, Russia recorded to use non-state actors in its overseas conflicts, such as the usage of Chechen mercenaries in its 2007 conflict beside Georgia. Permanently Russia denies links to these groups and considers them groups of voluntary motivation. As a result of the security situations in Russia in the post-USSR period, where there was a concern regarding the safety of individuals and assets, the Yeltsin administration adopted the initiative as a step towards reform the security sector by endorsing a law on privacy protection in 1992. This helped to legalize and regulate the private security firms in Russia (Østensen & Bukkvoll, 2018, p. 14).

In this context, Russia pioneered the world in exporting military-experienced personnel; Russian ex-military spotted in overseas conflicts as part of arms deals as in Ethiopia SU-27 deal where the whole staff were Russian. According to Article 47 of Protocol Additional to the Geneva Conventions of 12 August 1949, the mercenaries are who satisfies the listed six characteristics: (a) is specially recruited locally or abroad to fight in an armed conflict; (b) does take a direct part in the hostilities; (c) is motivated to take part in the hostilities necessarily by the desire for private gain and is promised, by or on behalf of a party to the conflict, material compensation substantially over that promised or paid to combatants of similar ranks and functions in the armed forces of that Party; (d) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (e) is not a member of the armed forces of a party to the conflict; and (f) has not been sent by a state which is not a party to the conflict on official duty as a member of its armed forces.

However, to be considered as mercenary, the PMSC personnel must fulfil all six conditions; for instance, American PMSC and British who operated in Iraq after the invasion are not considered mercenaries since they belong to a state part of the conflict (Faite, 2019). It was notable that, Russian Slavonic group PMSC involved in the Syrian conflict was two years ahead before the official engagement of the Russian government - see mercenaries' point (e) - but that task was to protect the oil fields which considered as a civilian facility. So, This PMSC should not be considered as mercenaries, since these PMSC should be analyzed individually, and their contracts also should be reviewed with the contractor state - which is a member of the Montreux Document -. Hence, it is impossible to have a final argument in their legal status (Bartles, 2014).

Conclusions

In conclusion, the main finding of this research leads to the strategic importance of Russia's private and military contractors in the armed conflict to the Russian military institutions, since the current status of legal vacuum regarding PMSC allowed Russia to serve their national interest overseas indirectly. For instance, in the Syrian conflict, these private military firms had been seen in the battle two years in advance before the Russian government officially engaged in 2015 (Doswald-Beck, 2019). This situation has positively served the Russian government agenda in their conflicts as follow: (i) Denial of any responsibility to these commercial contractors, (ii) Preserve Russian international image in case things went in the wrong directions as human rights violations (iii) Spread Russian involvement with attributing these actions to the government. Ukraine is an example where Russian firms involved in the conflict without any official recognition regarding Donbas instabilities.

Russia does not endorse any legal framework to regulate these PMSC neither accept to take responsibilities towards their operations abroad. The Russian government ignored signing on the Montreux document, with the 54 states. However, this is a signal of no Russian intentions to regulate PMSCs in the short-term. It should be noted that this may be related to their interest in overseas conflict zones. Though, the Montreux document is not enough since it only displayed good practices for states to adhere to IHL and the usage of PMSC. Still, the world needs to go a step further by upgrading it to be an international treaty.

Research Contributions: This research contributes to the current literature by analyzing the existing obligations of Russians PMSC under IHL despite Russian government ignorance. Furthermore, the motivation to delaying the Russian government to endorse a legal framework could be a result of the influence of its military and security entities.

Research Limitations: This research has a limitation from different aspects. First, the study is mainly dependent on secondary resources as published literature and media content, where also there is a lack of reviewed literature. Second, the time limitation is also a factor that restricted the ability to reach a comprehensive overview of the subject, since it limits the ability to analyze each firm and their involvement in overseas conflicts independently. Third, the research examined the phenomena more extra from the legal aspects under both the IHL and Russians national legislation frameworks, which are the primary purpose of this study. Also, there is nothing revealed from the contracting states as the case of Libya, Sudan, where most of the reports regarding the operations of PMSCs came from Western reports.

Reference

- Bartles, C. (2014). *Russia's Syrian Campaign & General Gerasimov*. Fort Leavenworth, Kansas: Foreign Military Studies Office .
- Cameron, L. (2006). Private Military Companies : Tier status under IHL & its impact on their regulation. *International Review of the Red Cross*.

- Christiansen, S. K. (2010). *Private military and Security Companies and the lack of national legislation Hired help or the way to the future?* Aalborg University .
- Creswell, J. W. (2014). *Research Methods*. London: Sage.
- Criminal Code of the Russian Federation (1996, amended 2012), Legislation Online, Retrieved from, <https://www.legislationline.org/documents/section/criminal-codes/country/7/Russian%20Federation/show>
- Doswald-Beck, L. (2019). *Private military companies under international humanitarian law*. Oxford Scholarship Online. University Press Scholarship Online.
- Faite, A. (2019). *Involvement of Private Contractors in Armed Conflict: Implications under International Humanitarian Law*. ICRC. Retrieved 2019
- ICRC. (2009). *Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law*.
- ICRC. (2013). *International humanitarian law and private military/security companies - FAQ*. Retrieved from <https://www.icrc.org/en/document/ihl-and-private-military-security-companies-faq>
- ICRC. (2016, June 02). *Russian Federation: Regulating private military and security companies*. Retrieved from <https://www.icrc.org/en/document/russian-federation-regulating-private-military-security-companies>
- Kruck, A. (2014). Theorizing the use of private military and security companies: a synthetic perspective. *Journal of International Relations and Development*, 112–141.
- Spearin, C. R. (2018). Russia's Military and Security Privatization. *Nontraditional War*, pp. 39-48. Retrived from <https://www.questia.com/library/journal/1G1-563359214/russia-s-military-and-security-privatization>
- The Opinion. (2018). *Russia's private military companies as Moscow's aggressive diplomatic targets. Part II*. Retrieved from <http://www.theopinion.net/russia-s-private-military-companies-as-moscow-s-aggressive-diplomatic-targets-part-ii>
- The State Duma. (1996, June 13). The Criminal Code Of The Russian Federation . Moscow, Russia Federation. Retrieved from <https://www.wipo.int/edocs/lexdocs/laws/en/ru/ru080en>
- UN. (2008). Retrieved from UN: http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/droi_090209_33/droi_090209_33en.pdf
- Volkenburg, C. A. (2018). *Russian hybrid warfare in Syria: Airforce, private military contractors and dis-information*. Canadian forces college.
- Østensen, A., & Bukkvoll, T. (2018). *Russian Use of Private Military and Security Companies – the implications for European and Norwegian Security*. Norwegian Defense Research Establishment.